

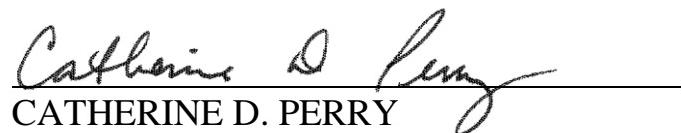
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

BRENDAN ABBOTT, individually and )  
on behalf of all others similarly situated, )  
  )  
Plaintiff,    )  
  )  
v.    ) Case No. 4:22 CV 587 CDP  
  )  
VITAL PHARMECEUTICALS, INC.,                    )  
d/b/a “VPX Sports,” et al.,                    )  
  )  
Defendant.    )

**ORDER**

Plaintiff having filed an amended complaint as permitted under Rule 15(a)(1)(B), Federal Rules of Civil Procedure,

**IT IS HEREBY ORDERED** that defendant Vital Pharmaceuticals, Inc.’s Motion to Dismiss for Failure to State a Claim [9] directed to plaintiff’s original complaint is **DENIED AS MOOT** but without prejudice to be refiled to the amended complaint if appropriate. Defendant is reminded of its obligation to respond to the amended complaint within the time set by the rules.

  
\_\_\_\_\_  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 6th day of July, 2022.